

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
JUL 30 2008
JOHN F. CORCORAN, CLERK
BY: *J. B. M.*
DEPUTY CLERK

FRED LEWIS WILSON,)
Plaintiff,)
v.)
GARY SPRINKLE, et al.,)
Defendants.)
) Civil Action No. 7:08-cv-00427
)
) **FINAL ORDER**
)
) By: Hon. Glen E. Conrad
) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the above referenced civil action, construed by the court as a petition for habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **FILED in forma pauperis**, but that the action is hereby **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Proceedings, and that the action is hereby stricken from the active docket of the court. Any pending motions are **DENIED as MOOT**.

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 30th day of July, 2008.

4 Dale Conrad

United States District Judge